

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON NATURAL RESOURCES AND ENERGY**

**Call to Order:** By **CHAIRMAN GREG LIND**, on February 5, 2007 at 3:30 A.M., in Room 422 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Greg Lind, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Kelly Gebhardt (R)  
Sen. Dan Harrington (D)  
Sen. Christine Kaufmann (D)  
Sen. Gary L. Perry (R)  
Sen. Bill Tash (R)  
Sen. Mitch Tropila (D)  
Sen. David E. Wanzenried (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Claudia Johnson, Committee Secretary  
Joe Kolman, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SJR 3, 1/29/2007; SB 376,  
1/31/2007; SB 365, 1/31/2007; SB  
370, 1/31/2007;  
Executive Action: SJR 3, SB 370, SB 365

00:04:10 Chairman Lind

**HEARING ON SJR 3**

**Opening Statement by Sponsor:**

00:05:26 **SEN. DAN WEINBERG (D), SD 2**, opened the hearing on **SJR 3**, Urge funding for restoration of parks, battlefields, and monuments.

**Proponents:**

00:15:05 Rhonda Fitzgerald, Governor's Council on Parks

00:17:36 Cindy Andrus, Better Business Bureau

00:18:07 Jan Mitzmaker, Glacier National Park

00:19:21 Linda Anderson-Haines, Glacier County

00:20:53 Sandy Pew, National Parks Conservation Association

**EXHIBIT (nas25a01)**

**EXHIBIT (nas25a02)**

**EXHIBIT (nas25a03)**

00:26:14 Mike Scholz, Governor's Council on Parks

00:27:13 Jack Clarkson, Self

**EXHIBIT (nas25a04)**

00:28:13 Carl Schweitzer, Kalispell and Whitefish Chambers

00:28:35 Mark Aagenes, Montana Chambers of Commerce

00:29:07 Molly Immen, Montana Audubon

00:29:32 Mary Phippen, Self

00:30:09 Hal Harper, Governor's Office

00:31:28 Ed Bartlett, Attorney, Travel Montana Association

00:31:52 Stewart Doggett, Montana Innkeepers Association

00:32:12 Karen Reinhart, Bear Creek Council, Yellowstone

00:34:15 Ken Sinay, Director of Yellowstone Llamas, Yellowstone Safari

00:38:35 Steve Caldwell, Chair, Livingston City Commission

00:39:36 Tim Stevens, National Parks Conservation Association

[EXHIBIT](#) (nas25a05)

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:** None.

**Closing by Sponsor:**

00:41:59 Sen. Wanzenried

**HEARING ON SB 376**

**Opening Statement by Sponsor:**

00:43:40 **SEN. VERDELL JACKSON (R), SD 5**, opened the hearing on SB 376, Revise water marketing law.

**Proponents:**

00:48:45 Hal Harper, Governor's Office

00:51:18 Tim Mueller, Clark Fork River Basin Task Force

[EXHIBIT](#) (nas25a06)

00:56:53 Holly Franz, PPL Montana

00:58:19 Fred Lurie, Blackfoot Basin Task Force

00:59:58 Mike Murphy, Montana Water Resource Association

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:02:09 Sen. Kaufmann to Gerald Mueller, Clark Fork River Basin Task Force

01:04:58 Sen. Tash to Gerald Mueller, Clark Fork River Basin Task Force

01:10:05 Sen. Tropila to Hal Harper, Governor's Office

01:11:29 Sen. Tropila to John Tubbs, Department of Natural Resources (DNRC)

01:12:25 Sen. Tropila to Gerald Mueller, Clark Fork River Basin Task Force

**Closing by Sponsor:**

01:14:41 Sen. Jackson

**HEARING ON SB 365**

**Opening Statement by Sponsor:**

01:18:46 **SEN. BOB STORY (R), SD 30**, opened the hearing on **SB 365**, Revise laws related to water distribution and water commissioners.

**EXHIBIT**(nas25a07)

**Proponents:**

01:22:30 Peter Marchi, Mussellshell River Commission

01:26:27 Albert Foos, Rockyfork Decreed Users Association

01:27:37 John Tubbs, DNRC

01:29:05 Mary Phippen, Montana Association Clerks of District Courts

01:29:39 Mike Murphy, Montana Resource Association

01:30:23 Harold Blattee, Montana Association of Counties (MACO)

01:30:49 John Prinkki, Commissioner, Montana Association of Counties

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:32:16 Sen. Gebhardt to Peter Marchi, Water Compact  
Commissioner

01:35:21 Sen. Lind to Sen. Story

01:36:12 Sen. Lind to Peter Marchi, Water Compact Commissioner

**Closing by Sponsor:**

01:37:25 Sen. Story

**HEARING ON SB 370**

**Opening Statement by Sponsor:**

01:38:49 **SEN. BILL TASH (R), SD 36**, opened the hearing on **SB 370**, Revise law on water right abandonment.

**EXHIBIT** (nas25a08)

**Proponents:**

01:42:38 Hal Harper, Governor's Office

01:44:01 Stan Bradshaw, Montana Trout Unlimited

**EXHIBIT** (nas25a09)

01:47:57 Bob Lane, Chief Legal Staff, Department of Fish,  
Wildlife and Parks (FWP)

01:50:19 Mike Murphy, Montana Water Resources Association

01:50:42 John Tubbs, Water Resources, DNRC

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:51:31 Sen. Lind to Stan Bradshaw, Montana Trout Unlimited

**Closing by Sponsor:**

01:52:29 Sen. Tash

**EXECUTIVE ACTION ON SJR 3**

01:55:59 **Motion/Vote:** SEN. WANZENRIED moved that SJR 3 DO PASS.  
Motion carried unanimously by voice vote.

**EXECUTIVE ACTION ON SB 370**

01:56:51 **Motion/Vote:** SEN. WANZENRIED moved that SB 370 DO  
PASS. Motion carried unanimously by voice vote.

**Discussion:**

01:57:21 Sen. Kaufmann

**EXECUTIVE ACTION ON SB 365**

01:57:45 **Motion:** SEN. GEBHARDT moved that SB 365 DO PASS.

**Discussion:**

01:58:01 **Motion:** SEN. GEBHARDT moved that AMENDMENT  
SB036502.AKJ BE ADOPTED. Motion carried unanimously by  
voice vote.

**Discussion:**

01:58:22 **Motion:** SEN. GEBHARDT moved that SB 365 DO PASS AS  
AMENDED.

**Discussion:**

01:59:54 Sen. Lind to Hal Harper, Governor's Office

02:01:14 **Vote:** SB 365 DO PASS AS AMENDED. Motion carried  
unanimously by voice vote.

**ADJOURNMENT**

Adjournment: 5:35 P.M.

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SEN. GREG LIND, Chairman

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CLAUDIA JOHNSON, Secretary

GL/cj

Additional Exhibits:

**EXHIBIT ([nas25aad.pdf](#))**